

Before the Board of Zoning Adjustment, D. C.

PUBLIC HEARING -- November 17, 1971

Appeal No. 10977 Cyrus Katzen, appellant

THE ZONING ADMINISTRATOR OF THE DISTRICT OF COLUMBIA, appellee

On motion duly made, seconded and unanimously carried, the following Order of the Board was entered at the meeting of November 23, 1971.

ORDERED:

That the appeal for variance from the use provisions of the R-5-B District to permit offices for the Embassy Row Hotel at 2009 Q Street, N.W., lot 802, Square 93, be DENIED.

FINDINGS OF FACT:

1. The subject property is located in an R-5-B District.
2. The property is improved with a residence.
3. Appellant requests permission to use one floor of his residence for offices, on a temporary basis.
4. The subject property is located directly behind the Embassy Row Hotel and appellant would like to use office space for the hotel's purchasing department as the hotel does not have the space in the hotel.
5. Appellant stated that one of the hotel rooms could be used but he has owned the property in question for many years and it would be a great benefit to be able to use it for offices.
6. Opposition was registered at the public hearing as to the granting of this appeal.

OPINION:

We are of the opinion that appellant has not proved a hardship within the meaning of the variance clause of the Zoning Regulations and that a denial of the requested relief would not result in peculiar and undue practical difficulties and undue hardship upon the owner.

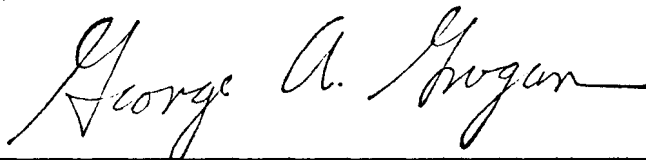
Further, we hold that the requested relief cannot be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.

The Board is cognizant that its rules of procedure at the time of the hearing on this matter did not specifically provide for cross-examination but that there was no specific request for an opportunity to cross-examine made or denied. If any person participating in this proceeding believes that he has been prejudiced by the lack of an opportunity to cross-examine, the Board is disposed to entertain a motion to re-open this case to permit cross-examination. Such a motion should be made within fifteen (15) days from the date of this final decision. The motion should identify the witnesses to be cross-examined, as well as that portion of his testimony to be subjected to cross-examination. Specific reference to the transcript of proceedings will be helpful. Copies of the transcript are available for inspection by the public in the Offices of the Zoning Commission, District Building, Room 11A, 14th and E Streets, N. W. between 8:15 a.m. and 4:45 p.m. The motion should be forwarded to the Board in care of this address.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: _____



GEORGE A. GROGAN
Secretary of the Board

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.

7-13-72